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FCC Mail Room

December 29, 2009

The Hon. Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Implementation of the Pay Telephone Reclassification and
Compensation Provisions of the Telecommunications Act of 1996,
CC Docket No. 96-128; Inmate Telephone Service Rates

Dear Chairman Genachowski:

We urge the Federal Communications Commission to take immediate action on the vexing problem of the extortionate rates charged for interstate long distance telephone calls by prison inmates, especially the rates charged to innocent family members and others receiving collect calls from prisoners. While other telecommunications rates have been declining in recent decades, interstate inmate rates continue to climb. Typical interstate inmate collect calling rates include a per-call charge of \$3.95 plus as much as \$0.89 per minute, and many prisons permit no alternatives to collect calling. At that rate, one hour of conversation per week can result in a monthly telephone bill of \$300, a huge financial burden for the low income innocent families and loved ones receiving and paying for these calls.

Inmate telephone service now stands in isolation as the last remaining telecommunications monopoly niche. In 2007, a rulemaking proposal filed in CC Docket No. 96-128 on behalf of Martha Wright, representing prisoners and their families, requested relief from these excessive monopoly rates in the form of: (1) benchmarks capping the interstate long distance debit rates charged to prison inmates at \$0.20 per minute and the interstate long distance rates charged to persons receiving collect calls from prisoners at \$0.25 per minute, with no per-call charges; and (2) a requirement that inmate calling service providers offer a debit calling option. Not only has the market failed to bring about reasonable interstate inmate calling rates, but it has also become increasingly clear that service providers could -- and, in a few cases, actually do -- offer long distance telephone services to prisoners at reasonable rates. The Wright petitioners demonstrated that interstate long distance telephone services could be provided profitably to all prisoners at the requested benchmark rates, and even

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a cost study submitted by the inmate calling service providers largely supports the requested benchmark rates.

The urgency of Commission action on this issue has become more widely recognized in recent years. The American Bar Association adopted a recommendation in 2005 that inmate telephone services be provided "at the lowest possible rates," and the Commission on Safety and Abuse in America's Prisons, led by correctional officials and other experts, urged policymakers the following year to "support family and community bonds . . . by minimizing the cost of prisoners' telephone calls." Numerous penological studies and reports have documented society's vital interest in reducing recidivism by ensuring that prisoners maintain regular contact with their families and loved ones while in prison. Excessive inmate telephone rates sever these crucial community and family ties. The growing trend in outsourcing incarceration to privately administered facilities in other states, precluding family visits, has aggravated the disruptive effects of unreasonable interstate inmate calling rates.

We are aware that some correctional authorities use the commissions paid by inmate calling service providers to fund programs benefiting prisoners, but, in many states, those payments are simply deposited in the general treasury instead. Given the extortionate rates generated by these commissions -- in some cases, reaching 65 percent of gross revenues -- the benefits of prisoner programs in a few states is vastly outweighed by the harm done to prisoners' families, most of whom are low income and disproportionately members of minority groups, and ultimately to taxpayers through higher recidivism and incarceration rates. The large number of inmates due to be released in the coming decade underscores the need for immediate relief to facilitate their reentry into society. Furthermore, more reasonable long distance inmate telephone rates would reduce the incentive to use contraband cell phones in prison, thereby ameliorating another increasingly vexing problem.

Given the excessiveness of interstate inmate long distance rates relative to any credible measure of costs, the Commission's plenary authority over interstate telecommunications rates and the critical need for reform, we call upon the Commission to provide relief by implementing the requested benchmark rates, requiring a debit calling option and providing any necessary related relief, such as a "fresh look" period to renegotiate inmate calling service contracts. Moreover, the long-pending nature of this proceeding, the overwhelming record and broad public support for the Wright proposal, and the pressing need for relief in this difficult economic environment, especially for families at the bottom of the income scale, makes this proceeding appropriate for immediate Commission action.

Very truly yours,

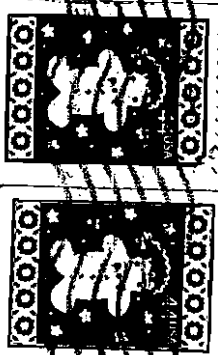


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